

Interagency Streamlining Agreement for Preparation of the Detroit River International Crossing Environmental Impact Statement

The Federal Highway Administration (FHWA) is committed to streamlining preparation of the Detroit River International Crossing (DRIC) Environmental Impact Statement (EIS). As the lead federal agency for the NEPA process, FHWA will ensure environmental protection through a coordinated decision-making process with other federal, state, and local agencies.

I. PURPOSE

The purpose of this Streamlining Agreement (Agreement) is to establish a framework within which the exercise of the responsibilities associated with preparation and review of the DRIC EIS is efficient. This Agreement is designed to anticipate and avoid surprises and delays through collaboration.

This Agreement is neither a fiscal nor a funds-obligation document. The provisions of this Agreement do not replace, but are supplemental to, the Council on Environmental Quality (CEQ) regulations, (40 Code of Federal Regulations (CFR) Parts 1500-1508), and all other agency regulations, orders, and policies. It is in the interest of the participants in this Agreement, where independent but overlapping jurisdictional program responsibilities exist, that these responsibilities be addressed and fulfilled within a coordinated documentation and public involvement/decision-making process. But, in every case this document does not supersede, modify or abrogate any existing agreements between or among agencies to this agreement.¹

II. AUTHORITY

In accordance with the spirit and intent of interagency coordination directed by NEPA, Section 1309 of TEA-21 and consistent with Executive Order 13274, FHWA and participating agencies are authorized to enter into this Agreement.

III. KEY POINTS The

Agreement involves commitments to:

1. Work concurrently with other resource agencies through the DRIC environmental analyses, while respecting each agency's mission, technical expertise, and statutory authority.

¹ Specific reference is made to the "U.S. Coast Guard/Federal Highway Administration Memorandum of Understanding on Coordinating the Preparation and Processing of Environmental Documents," signed 6 May 1981, or the "Coast Guard/FHWA Procedures for Projects Which Require a Coast Guard Bridge Permit," signed 10 December 2001.

2. Set mutually agreed upon timeframes to fulfill each agency's role throughout the DRIC environmental review process.
3. Document mutually acceptable understandings reached at key points spaced throughout the environmental review process. The key points foreseen at the signing of this Agreement are:
 - Project Purpose and Need (2nd Quarter of 2005)
 - The ranges of Illustrative (2nd Quarter of 2005) and Practical Alternatives (4th Quarter of 2005) capable of achieving the Purpose and Need
 - Scoping Meeting (3rd Quarter of 2005) including Analysis Techniques (3rd and 4th Quarters of 2005)
 - Results of Key Environmental Studies (3rd and 4th Quarters of 2006)
 - Selection of the Preferred Alternative (4th Quarter of 2006)
 - Selection of the Recommended Alternative (2nd Quarter of 2007)
 - Mitigation Requirements (2nd and 3rd Quarters of 2007)
4. Agree not to revisit any key point(s) unless substantive information, substantial project changes, or changes to laws and regulations warrant reopening an agreed-upon consensus point. This recognizes that an agency's individual public notice may generate concerns in areas acted upon previously, but which may require additional discussion/analysis so that these concerns are adequately addressed and/or mitigated.
5. Address unresolved issues expeditiously to develop a collaborative problem-solving/issue-resolution framework. The framework will include reasons for initiating issue resolution processes, procedures, and timeframes.

A Key Point is defined as a milestone in the environmental review process that is best accommodated by a decision (or a non-decision) on a specific point. FHWA will work toward obtaining general agreement from the parties to this agreement at each Key Point. The parties to this agreement will execute at each Key Point the Form that is included in Attachment A.

The process to achieve general agreement will be as follows:

1. FHWA distributes or presents the issue in a document distributed to the parties to the Agreement.
2. FHWA requests a completed Key Point Agreement Form from each party to the Agreement on the Key Point.
3. Within thirty (30) calendar days, each party to the Agreement indicates whether or not it can agree to the Key Point. If the agency does not agree, written reasons for the disagreement will be provided to the FHWA.
4. Within 14 calendar days, FHWA will review the reasons for disagreement and where appropriate 1) revise the Key Point process described above; or 2) proceed to the next Key Point.

The decision to revisit a Key Point will only occur when FHWA or FHWA and any one more signatory of a Key Point Agreement Form request in writing to revisit the consensus issue because a) substantive new information has become available; b) there has been a substantive change to the proposed project; and c) conditions, laws and the regulations have resulted in a substantially different picture of social, economic or environmental impacts than those previously analyzed and/or described in Technical Reports and/or the Environmental Impact Statement.

It is once again stressed that participating in a Streamlining Agreement for the DRIC Project does not imply endorsements of any aspects of the proposed DRIC Project. Nothing in this Agreement will diminish, modify, or affect the statutory or regulatory authorities of the agencies involved. And, it is recognized that each participating party's responsibilities under this Streamlining Agreement are subject both to the availability of each agency's funding and to all applicable statutory and regulatory provisions governing each agency.

This Agreement may be executed in separate counterpart originals with separate execution pages for each of the participating agencies.

Interagency Streamlining Agreement for Preparation of the Detroit River International Crossing Environmental Impact Statement

Signatories

James J. Steele Division Administrator	Federal Highway Administration
Bharat Mathur Acting Regional Administrator	U.S. Environmental Protection Agency
Donald P. Lauzon District Engineer	U.S. Army Corps of Engineers – Detroit
Craig A. Czarnecki Field Supervisor	U.S. Fish & Wildlife Service – East Lansing Field Office
J. David Hood Assistant Regional Administrator	U.S. General Services Administration – Great Lakes Region
N . E . District Commander	M p r a s U.S. Coast Guard Chief, Office of Bridge Administration
Don Bathurst Director, Field Operations-Detroit	U.S. Department of Homeland Security U.S. Customs & Border Protection
R o g e r F . Assistant Secretary of State	N o r i e g a U.S. Department of State Bureau of Western Hemisphere Affairs

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**Appendix A
Sample Agency Key Point Form**

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Key Point: _____

Please check one:

My signature indicates that

Agency Name

has achieved general agreement with the FHWA on the above Key Point.

My signature indicates that

Agency Name

has no statutory authority with regard to this Key Point.

My signature indicates that

Agency Name

has not achieved general agreement with the FHWA on the above Key Point for the following reasons:

Print Name

Signature

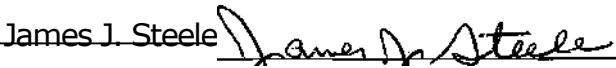
Date

Project: 18505

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Bharat Mathur		
Acting Regional Administrator		U.S. Environmental Protection Agency
Donald P. Lauzon		
District Engineer		U.S. Army Corps of Engineers Detroit
Craig A. Czarnecki		
Field Supervisor		U.S. Fish & Wildlife Service East Lansing Field Office
J. David Hood		
Assistant Regional Administrator		U.S. General Services Administration — Great Lakes Region
N.E. Mpras		
Chief, Office of Bridge Administration		by direction of the Commandant, U.S. Coast Guard
Don Bathurst		
Director, Field Operations-Detroit		U.S. Department of Homeland Security U.S. Customs & Border Protection
Roger F. Noriega		
Assistant Secretary of State		U.S. Department of State Bureau of Western Hemisphere Affairs

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Division Administrator



Thomas V. Skinner

Regional Administrator



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Roger F. Noriega

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<u>Bharat Mathur</u> Acting Regional Administrator	<u>U.S. Environmental Protection Agency</u>
<u>Donald P. Lauzon</u>	<u>VJL</u>
<u>District Engineer</u> <u>Craig A. Czarnecki</u>	<u>U.S. Army Corps of Engineers</u> Detroit
<u>Field Supervisor</u>	<u>U.S. Fish & Wildlife Service</u> East Lansing Field Office
<u>J. David Hood</u> Assistant Regional Administrator	<u>U.S. General Services Administration —</u> Great Lakes Region
<u>N.E. Mpras</u> District Commander	<u>U.S. Coast Guard</u> Chief, Office of Bridge Administration
<u>Don Bathurst</u> Director, Field Operations-Detroit	<u>U.S. Department of Homeland Security</u> U.S. Customs & Border Protection
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